

D.C. OFFICE OF PUBLIC EDUCATION FACILITIES MODERNIZATION

REQUEST FOR PROPOSALS

SOLICITATION # GM-08-M-1006-FM

RENOVATION OF OPEFM ADMINISTRATIVE OFFICES AT THE RFK STADIUM COMPLEX

OCTOBER 6, 2008

Proposal Due Date: October 15, 2008 by 5 p.m. EDT

Pre-proposal Walk-Thru: October 9, 2008 at 10:30 a.m. EDT
(Mandatory except for Vendors who attended
prior Walk-Thru of the Facility)

Contact: JW Lanum, Procurement Administrator
D.C. Office of Public Education Facilities
Modernization
2400 East Capitol Street, SE
Washington, D.C. 20003
Phone: (202) 698-7700

Executive Summary

The Office of Public Education Facilities Modernization (“Office” or “OPEFM”) is issuing this Request for Proposals to engage a contractor to provide all labor, materials and equipment to renovate OPEFM Administrative Offices at the Robert F. Kennedy Memorial Stadium Complex located at 2400 East Capitol Street, SE, Washington D.C. in accordance with Scope of Work Attachment B.

A.1 Time if of the Essence

Time is of the essence with respect to this project. The Project must be substantially completed by November 15, 2008. As such, the Contractor must dedicate such personnel and other resources as are necessary to ensure that the Project is completed on-time and in a diligent, skilled, and professional manner.

A.2 Form of Contract; Scope

The Form of Contract will be issued as an addendum to this RFP. Offerors should carefully review the Form of Contract when submitting their proposal. To the extent there are any inconsistencies between this RFP and the Form of Contract, the Form of Contract shall prevail. Offerors are further advised that they are required to submit their proposal premised upon entering into a contract that is substantially similar to the Form of Contract and that any proposed changes to the Form of Contract must be clearly identified and described in their proposal. A proposal that fails to specifically identify and describe the requested changes shall be deemed non-responsive.

A.3 Economic Inclusion

The Office requires that Local, Small and Disadvantaged Business Enterprises (“LSDBEs”) participate in this project to the greatest extent possible and desires that such businesses perform at least fifty percent (50%) of the work under this procurement. Of this amount, at least thirty five percent (35%) must be awarded to entities that are certified as either Small or Disadvantaged Business Enterprises by the District of Columbia Local Business Opportunity Commission, and twenty percent (20%) to entities that are certified as Disadvantaged Business Enterprises.

The Office will also require that the Project Manager and all of its sub consultants, subcontractors, and suppliers, enter into a First Source Employment Agreement with the Department of Employment Services and hire fifty-one percent (51%) District residents for all new jobs created on the project. Please see **Part C** of this RFP for additional information.

A.4 Selection Criteria

Proposals will be evaluated in accordance with **Part D** of this RFP. The following evaluation criteria will be used:

- Experience and Capabilities (35 points)
- Proposed Key Personnel (15 points)
- Cost (40 points)
- LSDBE Compliance/Utilization (10 points)

A.5 Procurement Schedule

The schedule for this procurement is as follows:

- | | |
|---|-------------------------------|
| • Issue RFP | - October 6, 2008 |
| • Pre-proposal Walk-Thru | - October 9, 2008 at 10:30 am |
| • Last Day for Questions/Clarifications | - October 10, 2008 |
| • Proposals Due | - October 15, 2008 at 5:00 pm |
| • Notice of Award | - October 17, 2008 |

A.6 Attachments

- | | |
|---------------------|--|
| Attachment A | - Bid Form |
| Attachment B | - Scope of Work |
| Attachment C | - Tax Affidavit |
| Attachment D | - First Source Employment Agreement |
| Attachment E | - Equal Employment Opportunity (EEO) Forms |
| Attachment F | - OPEFM Specifications & Product Manual |

SECTION B SCOPE OF WORK

B.1 Scope of Work

The Contractor shall provide all labor, materials & equipment to renovate OPEFM Administrative Offices at the RFK Memorial Stadium complex in accordance with the Scope of Work in Attachment B. Primarily, The scope of work includes but not limited to demolition, carpeting and other flooring, painting, and installation of special finishing.

B.2 Key Personnel

In its proposal, each Offeror will be required to identify its key project manager for this project. (i.e. the project managers responsible for structural, mechanical, electrical and special systems).

B.3 Licensing, Accreditation and Registration

The Contractor and all of its subcontractors and sub consultants (regardless of tier) shall comply with all applicable District of Columbia, state, and federal licensing, accreditation, and registration requirements and standards necessary for the performance of the contract.

B.4 Conformance with Laws

It shall be the responsibility of the Contractor to perform under the contract in conformance with the Office's Procurement Regulations and all statutes, laws, codes, ordinances, regulations, rules, requirements, orders, and policies of governmental bodies.

B.5 Davis-Bacon Act

The Davis-Bacon Act is applicable to this Project. As such, the Contractor and its trade subcontractors shall comply with the wage and reporting requirements imposed by that Act.

B.6 Time of the Essence

Time is of the essence with respect to the contract. The Project must be substantially complete by November 15, 2008. As such, the Contractor must dedicate such personnel and other resources as are necessary to ensure that the Project is completed on-time and in a diligent, skilled, and professional manner.

SECTION C

ECONOMIC INCLUSION

C.1 Preference for Small, Local, and Disadvantaged Business Enterprises

General: Under the provisions of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, D.C. Law 16-33 (codified at D.C. Code § 2-218.01 et seq.), preferences shall be given to Offerors that are certified by the Department of Small and Local Business Development as being a small business enterprise, having resident business ownership, having a longtime resident business, being a local business enterprise, being a disadvantaged business enterprise, or being a local business enterprise with its principal office located in an enterprise zone. (A copy of the certification acknowledgment letter must be submitted with the Offeror's Proposal.) In accordance with these laws, the following preferences shall be awarded in evaluating an Offeror's proposal:

- Three (3) preference points shall be awarded if the Offeror is certified as having a small business enterprise.
- Five (5) preference points shall be awarded if the Offeror is certified as having a resident business ownership.
- Ten (10) points shall be awarded if the Offeror is certified as having a longtime resident business.
- Two (2) preference points shall be awarded if the Offeror is certified as a local business enterprise.
- Two (2) preference points shall be awarded if the Offeror is certified as being a local business enterprise with its principal office located in an enterprise zone.
- Two (2) preference points shall be awarded if the Offeror is certified as a disadvantaged business enterprise.

Offerors may qualify for more than one of these categories, so that the maximum number of points available under this section is 12 points.

Information: For information regarding the application process, contact the Department of Small and Local Business Development at the following address or telephone number:

Department of Small and Local Business Development
One Judiciary Square Building
441 4th Street, NW, 9th Floor
Washington, DC 20001
(202) 727-3900 (Telephone Number)
(202) 724-3786 (Facsimile Number)
www.dslbd.dc.gov

C.2 CBESLDBE Participation

The Office requires that significant participation by business enterprises certified by the Department of Small and Local Business Development (CBEs) as: (i) a local business enterprise; (ii) a small business enterprise; (iii) a disadvantaged business enterprise; (iv) having a owned resident business; (v) being a longtime business resident; or (vi) having a local business enterprise with its principal office located in an enterprise zone. Accordingly, and in addition to the preference points conferred by **Section C.1**, the Office requires that business enterprises so certified must participate in at least 50% of the development. Of this amount, 35% must be awarded to entities that are certified as either Small or Disadvantaged Business Enterprises by the District of Columbia Local Business Opportunity Commission and 20% to entities that are certified as Disadvantaged Business Enterprises. Offerors will be required to submit a Local Business Enterprise Utilization Plan with their proposals. The Utilization Plan must demonstrate how this requirement will be met and, to the extent possible at this stage in the project, should identify the specific firms that will be used and their respective roles. SLDBE certified businesses must own at least twenty five percent (25%) of the selected developer's equity.

C.3 Residency Hiring Requirements for Contractors and Subcontractors

At least fifty-one percent (51%) of the Offeror's Team and every sub consultant's employees hired after the Offeror enters into a contract with the Office, or after such sub consultant enters into a contract with the Offeror, to work on this project, shall be residents of the District of Columbia.

Upon execution of the contract, the Offeror and all of its member firms, if any, and each of its subcontractors and sub consultants shall submit to the Office a list of current employees that will be assigned to the project, the date that they were hired and whether or not they live in the District of Columbia.

The Offeror shall comply with subchapter III of Chapter II of Title 1, and subchapter II of Chapter II of Title 1 of the D.C. Code, and all successor acts thereto and the rules and regulations promulgated thereunder. The Offeror and all member firms, subcontractors, tier subcontractors, sub consultants, and suppliers with contracts in the amount of \$100,000 or more shall be required to comply with the following: (i) enter into a First Source Employment Agreement with the D.C. Department of Employment Services ("DOES") upon execution of the contract; (ii) submit an executed First Source Agreement to DOES prior to beginning work on the project; (iii) make best efforts to hire at least 51% District residents for all new jobs created by the project; (iv) list all employment vacancies with DOES; (v) submit monthly compliance reports to DOES by the 10th of each month; (vi) at least 51% apprentices and trainees employed must be residents of the District registered in program approved by the D.C. Apprenticeship Council; and (vii) trade contractors and subcontractors with contracts in the amount of \$500,000 or more must register an apprenticeship program with the D.C. Apprenticeship Council.

SECTION D

EVALUATION AND AWARD CRITERIA

D.1 Evaluation Process

The Office shall evaluate submissions and any best and final offers in accordance with the provisions of this **Section D** and the Office's Procurement Regulations.

D.2 Evaluation Committee

Each submission shall be evaluated in accordance with this **Section D** by an Evaluation Committee. The Evaluation Committee shall prepare a written report summarizing its findings and submit the same to the source selection official. Based on the information submitted by the Offerors in response to this RFP and the report prepared by the Evaluation Committee, the source selection official shall select the Offeror(s) whose submissions are determined by the source selection official to be the most advantageous to the Office.

D.3 Proposal Evaluation

Each proposal will be scored on a scale of 1 to 100 points. In addition, Offerors will be eligible to receive up to 12 preference points as described in **Section C.1** of this RFP for participation by Local, Small or Disadvantaged Business Enterprises. Thus, the maximum number of points possible is 112. The contract will be awarded to the Contractor with the highest evaluated score.

D.3.1 Experience & Capabilities (35 points)

The Office desires to engage a Contractor with the experience necessary to realize the objectives set forth in **Section A** of this RFP. Offerors will be evaluated based on their demonstrated experience in (i) constructing renovation projects in an urban setting; (ii) managing fast-track construction/renovation projects; (iii) knowledge of, and access to, the local subcontracting market; and (v) knowledge of the local regulatory agencies and Code Officials. If the Offeror is a team or joint venture of

multiple companies, the Evaluation Panel will consider the experience of each member of the team or joint venture in light of their role in the proposed team or joint venture. This element of the evaluation will be worth up to twenty-five (25) points.

D.3.2 Key Personnel (15 points)

The Office desires that senior personnel be assigned to this project that have experience in completing construction projects on-time and on-budget. The availability and experience of the key individuals assigned to this project will be evaluated as part of this element. This element of the evaluation will be worth up to fifteen (15) points.

D.3.3 Cost (40 points)

Offerors will be required to bid a lump sum price for all the requirements on this solicitation. This element of the evaluation is worth up to forty (40) points.

D.3.4 CBE Compliance/Utilization (10 points)

The Office desires the selected Contractor to provide the maximum level of participation for Certified Business Enterprises (CBE) as well as employment opportunities for District of Columbia residents. Offerors will be evaluated in light of their demonstrated experience in meeting such goals and their proposed LSDBE Utilization Plan. This factor of the evaluation will be worth up to ten (10) points.

SECTION E PROPOSAL ORGANIZATION AND SUBMISSION

This section outlines specific information in which Offerors' Proposals should be proffered.

E.1 Submission Identification

Submissions shall be proffered in an original and three (3) copies. The Offeror's submission shall be placed in a sealed envelope conspicuously marked: "Proposal for Renovation of OPEFM Administrative Offices at the RFK Stadium Complex"

E.2 Delivery or Mailing of Submissions

Submissions should be delivered or mailed to:

D.C. Office of Public Education Facilities Modernization
Att'n: JW Lanum, Procurement Administrator
2400 East Capitol Street, SE
Washington, D.C. 20003
Phone: (202) 698-7700

E.3 Date and Time for Receiving Submissions

Submissions shall be received no later than 5:00 pm E.D.T., on October 15, 2008. The Offeror assumes the sole responsibility for timely delivery of its Submission, regardless of the method of delivery.

E.4 Submission Size, Organization and Offeror Qualifications

All submissions shall be submitted on 8-1/2" x 11" bond paper and typewritten. Telephonic, telegraphic, and facsimile submissions shall not be accepted.

E.4.1 Bid Form

Each Offeror shall submit a bid form substantially in the form of **Attachment A**. Material deviations, in the opinion of the Office, from the bid form shall be sufficient to render the proposal non-responsive.

E.4.2 Relevant Experience and Capabilities

- A. List all projects that the Offeror team members have worked on in the last 5 years that are similar to this project. For purposes of this paragraph, similar shall mean renovation projects where the contract value exceeded \$200,000.00. This information may be provided in an overview matrix format or brief list; however, it should include the name and location of the facility, the name of the owner, the time frame of the project, the original budget for the project, and whether the project was delivered on-time and on-budget. If a project was not delivered on-time or on budget, a brief description of the reasons should be provided.

E.4.3 Local Business Utilization Plan

Each Offeror must submit a proposed Local Business Utilization Plan that identifies the specific certified business enterprises that will participate in the contract and their anticipated roles. In addition, each Offeror should provide: (i) a narrative description of similar projects and the Offeror's success in meeting such goals; and (ii) a chart, in summary form, that identifies the Offeror's major public projects over the last five years and its success in achieving such goals (creativity should be displayed regarding joint-venture and subcontractor agreements)

E.4.4 Tax Affidavit

Each Offeror must submit a tax affidavit substantially in the form of **Attachment C**. In order to be eligible for this procurement, Offerors must be in full compliance with their tax obligations to the District of Columbia government.

SECTION F

BIDDING PROCEDURES & PROTESTS

F.1 Contact Person

For information regarding this RFP please contact:

JW Lanum, Procurement Administrator
Office of Public Education Facilities Modernization
2400 East Capitol Street, SE
Washington, D.C. 20003
Phone: (202) 698-7700
Facsimile: (202) 698-7790

Any written questions or inquiries should be sent to JW Lanum at the address above.

F.2 Preproposal Walk-Thru

A pre-proposal walk-thru will be held on October 9, 2008 at 10:30 a.m. The walk-thru will be held at the RFK Stadium. The walk-thru is mandatory for all interested prospective offerors except those offerors that had previously visited the site.

F.3 Contract Award

This procurement is being conducted in accordance with the provisions of Section 3914 of the Office's Procurement Regulations (5 DCMR § 3914).

F.4 Retention of Submissions

All submissions shall be retained by the Office and therefore shall not be returned to the Offerors. With the exception of proprietary financial information, the submissions shall become the property of the Office and the Office shall the right to distribute or use such information as it determines.

F.5 Examination of Submissions

Offerors are expected to examine the requirements of all instructions (including all amendments, addenda, attachments and exhibits) in this RFP. Failure to do so shall be at the sole risk of the Offeror and may result in disqualification.

F.6 Late Submissions: Modifications

- A. Any submission or best and final offer received at the office designated in this RFP after the deadline specified for receipt shall not be considered.
- B. Any modification of a submission, including a modification resulting from the CCO's requests for best and final offers, is subject to the same conditions as in F.8.A stated above.
- C. The only acceptable evidence to establish the time of receipt at the Office's office is the time-date stamp of such installation on the submission wrapper or other documentary evidence of receipt maintained by the installation.
- D. Notwithstanding any other provisions of this Request for Proposals to the contrary, a late modification of an otherwise successful submission which makes its terms more favorable to the Office may be considered at any time it is received and may be accepted.
- E. Submissions shall be irrevocable and remain in full force and effect for a period not less than 120 days after receipt of submissions.

F.7 No Compensation for Preparation of Submissions

The Office shall not bear or assume any financial obligations or liabilities regarding the preparation of any submissions submitted in response to this RFP, or prepared in connection therewith, including, but without limitation, any submissions, statements, reports, data, information, materials or other documents or items.

F.8 Rejection of Submissions

The Office reserves the right, in its sole discretion:

- A. To cancel this solicitation or reject all submissions.
- B. To reject submissions that fail to prove the Offeror's responsibility.
- C. To reject submissions that contain conditions and/or contingencies that in the Office's sole judgment, make the submission indefinite, incomplete, otherwise non-responsive, or otherwise unacceptable for award.
- D. To waive minor irregularities in any submission provided such waiver does not result in an unfair advantage to any Offeror.
- E. To take any other action within the applicable Procurement Regulations or law.
- F. To reject the submission of any Offeror that has submitted a false or misleading statement, affidavit or certification in connection with such submission or this Request for Proposals.

F.9 Limitation of Authority

Only a person with prior written authority from the CCO shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clauses or conditions of the contract. Furthermore, any alteration, amendment, modification, or waiver of any clause or condition of this RFP is not effective or binding unless made in writing and signed by the CCO or its authorized representative.

SECTION G

INSURANCE REQUIREMENTS

G.1 Required Insurance

The Contractor will be required to maintain the following types of insurance throughout the life of the contract.

G.1.1 Commercial general public liability insurance (“Liability Insurance”) against liability for bodily injury and death and property damage, such Liability Insurance to be in an amount not less than Five Million Dollars (\$5,000,000) for liability for bodily injury, death and property damage arising from any one occurrence and Five Million Dollars (\$5,000,000) from the aggregate of all occurrences within each policy year. The policy should include completed operations coverage.

G.1.2 Workers’ compensation and Employers Liability coverage providing statutory benefits for all persons employed by the Contractor, or its contractors and subcontractors at or in connection with the Work.

G.1.3 Automobile Liability, including Hired and Non-Owned Auto Liability in the amount of at least One Million Dollars (\$1,000,000) for each occurrence for bodily injury and property damage.

G.1.4 Excess umbrella liability coverage (on at least a follow form basis) having an aggregate limit of at least Fifteen million dollars (\$15,000,000).

G.1.5 Builder’s risk insurance written on an “all risk” basis and covering the value of the improvements being constructed. This coverage does not need to be maintained until such time as construction operations begin.

G.2 Additional Insureds

Each insurance policy shall be issued in the name of the Contractor and shall name as additional insured parties the Office and the District of Columbia, and shall not be cancelable or reduced without thirty (30) days prior written notice to the Office.

G.3 Waiver of Subrogation

All such insurance shall contain a waiver of subrogation against the Office and the District of Columbia, and their respective agents.

G.4 Strength of Insurer

All insurance shall be placed with insurers that are reasonably acceptable to the Office and with an A.M. Best's rating of not less than A- (Excellent) and a surplus size of not less than XV. All such insurers shall be licensed/approved to do business in the District of Columbia.

SECTION J

BONDS

H.1 Contractor's Payment and Performance Bond

In addition to the trade subcontractor bonds required by Section J.2, the Contractor will be required to post a payment and performance bond having a penal value equal to the full value of the contract.